

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

Case No. 7:24-CV-00600-M

ROBERT PAUL SHARPE,

Appellant,

v.

PETER SPARK, et al.,

Appellees.

ORDER

This matter comes before the court sua sponte. On July 15, 2024, Appellant filed a notice of appeal, in which he challenges an order of the Bankruptcy Court that dismissed an adversary proceeding. DE 1 at 1. On August 14, 2024, the Bankruptcy Judge recommended that this court dismiss the appeal because Appellant never paid the requisite filing fee for his appeal. DE 12 at 2. The court, instead of dismissing the appeal, offered Appellant the opportunity “to either (1) pay the filing fee for [the] appeal or (2) show cause why the court should waive payment of the fee[.]” DE 15 at 3-4.

Appellant thereafter responded to the court’s show cause order in a manner that did “not substantially comply with the court’s [] order.” DE 17 at 1. “Nevertheless, and out of an abundance of caution, the court” declined to dismiss the appeal and instead “grant[ed] Appellant leave to file his [in forma pauperis] affidavit and statement of assets under seal.” *Id.* Appellant did so. DE 20. Magistrate Judge Robert B. Jones, Jr. then reviewed that filing and recommended that the court deny Appellant in forma pauperis status. DE 26 at 1, 3. Appellant objected. *See* DE 27.

On January 14, 2025, the court adopted the recommendation of Judge Jones, denied Appellant leave to proceed in forma pauperis, and ordered Appellant to “pay the filing fee associated with this matter on or before January 17, 2025.” DE 28 at 2. The court further warned Appellant that his “[f]ailure to do so will subject this appeal to dismissal.” *Id.* To date, Appellant still has not paid the filing fee for his appeal, in violation of the court’s order. Appellant has been on notice, since August 2024, that his refusal to pay the filing fee would subject his appeal to dismissal. *See* DE 12 at 2. After several months, and several opportunities, Appellant has never shown cause why he should not be required to pay the filing fee. Accordingly, this matter is DISMISSED WITHOUT PREJUDICE.

SO ORDERED this 21st day of January, 2025.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE